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REMARKS

Claims 1-37 and 39-45 remain pending. Of these, claims 14-22 and 24-36 have been withdrawn from consideration by the Examiner. The subject matter of canceled claim 38 has been incorporated into claim 37.

In the Office Action, the Examiner made the first restriction requirement and the second election requirement in the prior Office Action final. Because such requirements are improper and unreasonable, Applicants will request review of these final requirements by separate petition.

In the Office Action, the Examiner rejected claims 1-3, 7, 23, and 37-45 under 35 U.S.C. § 102(e) as being anticipated by Stelman (U.S. Patent No. 5,892,823); and stated that claims 4-6 and 8-13 would be allowable if rewritten in independent form.

Lack of evidence:

Applicants first note the extensive reliance in the Office Action on Fig. 4 of Stelman, usually in combination with Figs. 7-9. Applicants respectfully submit that Figs. 4 and 5 of Stelman cannot be used to reasonably support an anticipation rejection, because they are not described in the specification of Stelman. See, for example, the lack of mention of “Fig. 4” or “Fig. 5” outside of the Brief Description of the Drawings section. See also, the lack of reference to either of these figures between col. 3, line 23, which discusses Figs. 2 and 3, and col. 4, line 14, which begins the discussion of Fig. 6. Applicants also note that Figs. 4 and 5 are not discussed in relation to any element or elements in the description of Figs. 7-9 of Stelman.

While it is true that Figs. 4 and 5 show what they show, these figures do not, by themselves and without further description in Stelman, disclose what the Office Action alleges. They also are not reasonably relatable to Figs. 7-9 of Stelman. To the extent the Examiner disagrees with any of the above, he is respectfully requested to provide specific column and line citations to Stelman showing any correspondence between Fig. 4 and Figs. 7-9, because such was not provided in the pending Office Action. As will be explained in greater detail below, the lack of evidence from and about Fig. 4 of Stelman prevents the establishment of a *prima facie* case of anticipation.

Claims 1-3, 7, and 23:

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Applicants respectfully traverse the 35 U.S.C. § 102(e) rejection of claims 1-3. Claim 1 requires a method including, *inter alia*, “providing primary interface class information, wherein the primary interface class information includes information about the active conductors for a known interface class.” Stelman fails to disclose the claimed method.

Page 4 of the Office Action alleges, without elaboration, that Fig. 4 discloses the above-quoted limitation of claim 1. In any future Office Actions, the Examiner is respectfully requested to clarify exactly which portions of Fig. 4 on which the claimed “primary interface class information includ[ing] information about the active conductors for a known interface class” are read.

In the absence of such factual support for the rejection, Applicants note the following. Nothing in Fig. 4 of Stelman discloses the claimed “primary interface class information include[ing] information about the active conductors for a known interface class.” In particular, the “Rx Pinout” and “Tx Pinout Sequence” shown in Fig. 4 do not reasonably disclose providing primary interface class information, as required by claim 1. Nor does any part of Fig. 4 reasonably disclose interface class information including “information about the active conductors for a known interface class,” as also required by claim 1.

Because Stelman fails to disclose all elements of claim 1, a *prima facie* case of anticipation has not been established, and the § 102(e) rejection should be withdrawn. Claims 2 and 3 are allowable at least by virtue of their dependence on claim 1.

Applicants respectfully traverse the 35 U.S.C. § 102(e) rejection of claims 7 and 23. Claim 7 requires a method including, *inter alia*, “providing active conductor information, wherein the active conductor information includes a list of the active conductors; grouping the active conductors into groups of active conductors, each group of active conductors having a pair of active conductors; providing group information, wherein the group information includes information about the active conductors in each group; providing primary interface class information, wherein the primary interface class information includes information about the pairing of conductors for a known interface class.” Stelman fails to disclose the claimed method.

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Page 5 of the Office Action appears to read the claimed “group information” on the “Dialtone Detection” column in Fig. 4 of Stelman. Applicants also note, however, that with regard to claim 1, page 4 of the Office Action also read the claimed providing active conductor information on the “Dialtone Detection” column (see Office Action, page 4, lines 10 and 11).

Assuming, purely for the sake of argument, that the “Dialtone Detection” column discloses the claimed providing active conductor information, it does not also disclose the affirmative act of “grouping the active conductors into groups of active conductors, each group of active conductors having a pair of active conductors.” A mere column of pins does not disclose grouping such pins. Nor does the “Dialtone Detection” column reasonably disclose “providing group information, wherein the group information includes information about the active conductors in each group,” which is not mentioned in the rejection of claim 7 on page 5 of the Office Action.

Page 5 of the Office Action also appears to read the claimed “providing primary interface class information, wherein the primary interface class information includes information about the pairing of conductors for a known interface class” on the “Rx Pinout” column of Fig. 4. The “Rx Pinout” and “Tx Pinout Sequence” columns in Fig. 4 of Stelman merely list which ones of the phone jack terminals 1-4 that the configuration switches pass. This electrical correspondence between terminals 1-4 and TX1/TX2/RX1/RX2 does not reasonably correspond to the claimed “providing primary interface class information,” as required by claim 7.” This is because a mere electrical connection to one of terminals 1-4 does not provide “information” about any “primary interface class,” as claimed. Nor does such an electrical connection via a switch include “information about the active conductors for a known interface class,” as also required by claim 7.

Because Stelman fails to disclose all elements of claim 7, a *prima facie* case of anticipation has not been established, and the § 102(e) rejection should be withdrawn. Claim 23 is allowable at least by virtue of its dependence on claim 7.

Claims 44 and 45:

Applicants respectfully traverse the 35 U.S.C. § 102(e) rejection of claims 44 and 45.

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Claim 44 requires a medium including, *inter alia*, “compare the active conductor information to interface class information, wherein the interface class information includes information about the active conductors for a known interface class; and determine whether the interface class information is similar to the active conductor information.” Claim 45 requires a medium including, *inter alia*, “group the active conductors into groups of active conductors, each group of active conductors having a pair of active conductors; compare group information to interface class information, wherein the group information includes information about the active conductors in each group, and the interface class information includes information about the grouping of conductors for a known interface class; and determine whether the interface class information is similar to the group information.” Stelman fails to disclose the mediums of claims 44 and 45.

Contrary to page 7 of the Office Action, claims 44 and 45 contain limitations, such as the above-quoted ones, that are not essentially the same as those in claims 1 and 7. The Examiner is respectfully requested to read these on particular portions of Stelman. Also, as noted above in the “Lack of evidence” section, Applicants have been unable to find any disclosure in Stelman that CPU 100 is at all related to Fig. 4, on which the rejections of claims 1 and 7 is based. If the Examiner can find such correspondence, he is respectfully requested to cite it. Rather, Fig. 4 appears to be a general algorithm that is presented with regard to a set of hardware configuration switches. Hence, the rejection of claims 44 and 45 is improper for lack of evidence.

Further, claim 44 requires “compar[ing] the active conductor information to interface class information; and determin[ing] whether the interface class information is similar to the active conductor information.” The mere listing of pinouts and inputs in Fig. 4 of Stelman discloses neither the comparing nor the determining set forth in claim 44.

With regard to claim 45, Applicants explained above with regard to claim 7 that Fig. 4 of Stelman fails to disclose grouping active conductors into groups of active conductors; it merely shows a listing that does not, without more, disclose the action of grouping. Also, claim 45 requires “compar[ing] group information to interface class information; and determin[ing] whether the interface class information is similar to the group information.” The mere listing of

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pinouts and inputs in Fig. 4 of Stelman discloses neither the comparing nor the determining set forth in claim 45.

Because Stelman fails to disclose all elements of claims 44 and 45, a *prima facie* case of anticipation has not been established, and the § 102(e) rejection should be withdrawn.

Claims 37 and 39-43:

Applicants respectfully traverse the 35 U.S.C. § 102(e) rejection of claims 37 and 39-43. Claim 37, as amended, requires a device including, *inter alia*, “wherein the software is further capable of instructing a computer to compare a list of the active conductors to an interface class list, the interface class list identifying conductors used in transmitting signals according to the interface class.” Stelman fails to disclose the device of amended claim 37.

Contrary to page 6 of the Office Action, claim 37 as amended contains limitations, such as the above-quoted one, that are not essentially the same as those in claim 1. Claim 37 as amended is allowable over Stelman for reasons similar to those given above with regard to claim 44. In particular, claim 37 requires “software . . . capable of instructing a computer to compare a list of the active conductors to an interface class list, the interface class list identifying conductors used in transmitting signals according to the interface class.” The mere listing of pinouts and inputs in Fig. 4 of Stelman simply does not disclose comparing a list of active conductors to an interface class list. Nor does Fig. 4 disclose an “interface class list identifying conductors used in transmitting signals according to the interface class,” as required by amended claim 37.

Because Stelman fails to disclose all elements of claim 37 as amended, a *prima facie* case of anticipation has not been established, and the § 102(e) rejection should be withdrawn. Claims 39-43 are allowable at least by virtue of its dependence on claim 37.

Reconsideration and allowance of claims 1-37 and 39-45 are respectfully requested.

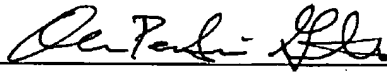
In the event that any outstanding matters remain in this application, Applicants request that the Examiner contact Alan Pedersen-Giles, attorney for Applicants, at the number below to discuss such matters.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-0221 and please credit any excess fees to such deposit account.

Respectfully submitted,

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